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Attorneys for Plaintiff  
UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MOUSTAFA HASSAN CHAHIN,

Defendant.

No. CR 2:22-cr-00452-GW

PLEA AGREEMENT FOR DEFENDANT  
MOUSTAFA HASSAN CHAHIN

1. This constitutes the plea agreement between MOUSTAFA HASSAN CHAHIN ("defendant") and the United States Attorney's Office for the Central District of California (the "USAO") in the above-captioned case. This agreement is limited to the USAO and cannot bind any other federal, state, local, or foreign prosecuting, enforcement, administrative, or regulatory authorities. This plea agreement incorporates defendant's conviction for conspiracy to commit bank fraud, in violation of 18 U.S.C. § 371, in United States v. Adel Dardoon, et al., CR 99-270-JSL-6 (the "bank fraud case"). In the bank fraud case, defendant signed a plea agreement on October 25,

1 1999, which was filed on October 27, 1999 (CR 179) in, defendant  
2 breached the bank fraud case plea agreement by failing to appear for  
3 sentencing in that case. Defendant's breach relieved the government  
4 of its obligations under the plea agreement for the bank fraud case.  
5 Defendant is not entitled to withdraw his plea to bank fraud  
6 conspiracy in the bank fraud case. This plea agreement sets forth  
7 the parties' agreements as to consolidated sentencing for both the  
8 bank fraud case and the above-captioned case.

9 DEFENDANT'S OBLIGATIONS

10 2. Defendant agrees to:

11 a. Give up the right to indictment by a grand jury and,  
12 at the earliest opportunity requested by the USAO and provided by the  
13 Court, appear and plead guilty to a single-count information in the  
14 form attached to this agreement as Exhibit A or a substantially  
15 similar form, which charges defendant with failure to appear before a  
16 court for sentencing as required by the conditions of release for an  
17 offense punishable by imprisonment for a term of five years or more,  
18 in violation of 18 U.S.C. §§ 3146(a)(1), (b)(A)(ii), and for  
19 committing this felony offense while on release, in violation of 18  
20 U.S.C. § 3147(1).

21 b. Not contest facts agreed to in this agreement.

22 c. Abide by all agreements regarding sentencing contained  
23 in this agreement.

24 d. Appear for all court appearances, surrender as ordered  
25 for service of sentence, obey all conditions of any bond, and obey  
26 any other ongoing court order in this matter.

27 e. Not commit any crime; however, offenses that would be  
28 excluded for sentencing purposes under United States Sentencing

1 Guidelines ("U.S.S.G." or "Sentencing Guidelines") § 4A1.2(c) are not  
2 within the scope of this agreement.

3 f. Be truthful at all times with the United States  
4 Probation and Pretrial Services Office and the Court.

5 g. Pay the applicable special assessments at or before  
6 the time of sentencing unless defendant has demonstrated a lack of  
7 ability to pay such assessments.

8 THE USAO'S OBLIGATIONS

9 3. The USAO agrees to:

10 a. Not contest facts agreed to in this agreement.

11 b. Abide by all agreements regarding sentencing contained  
12 in this agreement.

13 NATURE OF THE OFFENSE

14 4. Defendant understands that for defendant to be guilty of  
15 the crime charged in the single-count information, that is, failure  
16 to appear for sentencing, in violation of 18 U.S.C. §§ 3146(a)(1),  
17 (b)(1)(A)(ii), the following must be true: (1) defendant was released  
18 from custody under the Bail Reform Act; (2) defendant was required to  
19 appear in court or before a judicial officer on February 18, 2000;  
20 (3) defendant knew of this required appearance; and (4) defendant  
21 intentionally failed to appear as required. To be subject to the  
22 enhanced statutory maximum penalty under 18 U.S.C.

23 § 3146(b)(1)(A)(ii), the crime for which defendant failed to  
24 surrender must have been punishable by at least five years in prison.  
25 To be subject to the additional enhanced statutory maximum penalty  
26 under 18 U.S.C. § 3147(1), defendant must have been released under  
27 Chapter 207 of Title 18 of the United States Code, commonly called  
28

1 the Bail Reform Act of 1966 (the "Bail Reform Act"), at the time he  
2 failed to appear at his sentencing hearing.

3 PENALTIES

4 5. Defendant understands that the statutory maximum sentence  
5 that the Court can impose for a violation of 18 U.S.C. §§ 3146(a)(1),  
6 (b)(1)(A)(ii), is: 5 years' imprisonment; a 3-year period of  
7 supervised release; a fine of \$250,000 or twice the gross gain or  
8 gross loss resulting from the offense, whichever is greatest; and a  
9 mandatory special assessment of \$100. Defendant understands that any  
10 custodial sentence imposed for a violation of 18 U.S.C.  
11 §§ 3146(a)(1), (b)(1)(A)(ii), must be consecutive to any sentence  
12 imposed for the violation of 18 U.S.C. § 371 in the bank fraud case,  
13 to which defendant has pleaded guilty. Defendant understands the  
14 additional statutory maximum sentence that the Court can impose for  
15 such a violation committed while defendant had been released under  
16 the Bail Reform Act, as alleged in the information in this case, is:  
17 10 years' imprisonment, which must be consecutive to any other  
18 sentence of imprisonment.

19 6. Defendant understands that because defendant admits that  
20 defendant committed a violation of 18 U.S.C. §§ 3146(a)(1),  
21 (b)(1)(A)(ii), as charged in the information in this case, while  
22 defendant had been released under the Bail Reform Act, as alleged in  
23 the information in this case, the maximum sentence that the Court can  
24 impose for this violation is: 15 years' imprisonment; a 3-year period  
25 of supervised release; a fine of \$250,000 or twice the gross gain or  
26 gross loss resulting from the offense, whichever is greatest; and a  
27 mandatory special assessment of \$100.

1           7. Defendant understands that supervised release is a period  
2 of time following imprisonment during which defendant will be subject  
3 to various restrictions and requirements. Defendant understands that  
4 if defendant violates one or more of the conditions of any supervised  
5 release imposed, defendant may be returned to prison for all or part  
6 of the term of supervised release authorized by statute for the  
7 offense that resulted in the term of supervised release, which could  
8 result in defendant serving a total term of imprisonment greater than  
9 the statutory maximum stated above.

10           8. Defendant understands that, by pleading guilty, defendant  
11 may be giving up valuable government benefits and valuable civic  
12 rights, such as the right to vote, the right to possess a firearm,  
13 the right to hold office, and the right to serve on a jury.  
14 Defendant understands that he is pleading guilty to a felony and that  
15 it is a federal crime for a convicted felon to possess a firearm or  
16 ammunition. Defendant understands that the conviction in this case  
17 may also subject defendant to various other collateral consequences,  
18 including but not limited to revocation of probation, parole, or  
19 supervised release in another case and suspension or revocation of a  
20 professional license. Defendant understands that unanticipated  
21 collateral consequences will not serve as grounds to withdraw  
22 defendant's guilty plea.

23           9. Defendant understands that, if defendant is not a United  
24 States citizen, the felony conviction in this case may subject  
25 defendant to: removal, also known as deportation, which may, under  
26 some circumstances, be mandatory; denial of citizenship; and denial  
27 of admission to the United States in the future. The Court cannot,  
28 and defendant's attorney also may not be able to, advise defendant

1 fully regarding the immigration consequences of the felony conviction  
2 in this case. Defendant understands that unexpected immigration  
3 consequences will not serve as grounds to withdraw defendant's guilty  
4 plea.

5 FACTUAL BASIS

6 10. Defendant admits that defendant is, in fact, guilty of the  
7 offense to which defendant is agreeing to plead guilty. Defendant  
8 and the USAO agree to the statement of facts provided below and agree  
9 that this statement of facts is sufficient to support a plea of  
10 guilty to the charge described in this agreement and to establish the  
11 Sentencing Guidelines factors set forth in paragraph 12 below but is  
12 not meant to be a complete recitation of all facts relevant to the  
13 underlying criminal conduct or all facts known to either party that  
14 relate to that conduct.

15 At an in-person hearing on November 5, 1999 (the "change of plea  
16 hearing"), defendant pleaded guilty to one count of conspiracy, in  
17 violation of 18 U.S.C. § 371, in the bank fraud case, an offense  
18 punishable by imprisonment for not more than five years and a fine  
19 under Title 18 of the United States Code. At the change of plea  
20 hearing, defendant was ordered to appear for sentencing before the  
21 Honorable J. Spencer Letts on February 28, 2000, at 3:00 p.m. At the  
22 time, defendant had been released on bond and subject to pre-trial  
23 supervision pursuant to the Bail Reform Act.

24 At the change of plea hearing, the Court granted defendant  
25 permission to travel to Egypt for a period of six weeks while still  
26 on bond pursuant to the Bail Reform Act, from November 13, 1999, to  
27 December 25, 1999. Shortly after the change of plea hearing,  
28 defendant traveled to Egypt in November 1999, but he did not return

1 by or on December 25, 1999. Defendant intentionally remained in  
2 Egypt for almost 21 years, deliberately eluding arrest and avoiding  
3 self-surrender, in order to avoid sentencing in the fraud case.  
4 Defendant did not appear in the fraud case until October 2021, after  
5 self-surrendering.

6 Defendant thus knowingly and intentionally failed to appear for  
7 the sentencing hearing on February 28, 2000, as he had been  
8 previously ordered.

9 SENTENCING FACTORS

10 11. Defendant understands that in determining defendant's  
11 sentence the Court is required to calculate the applicable Sentencing  
12 Guidelines range and to consider that range, possible departures  
13 under the Sentencing Guidelines, and the other sentencing factors set  
14 forth in 18 U.S.C. § 3553(a). The Guidelines calculations set forth  
15 below are based upon defendant's plea to the underlying bank fraud  
16 case as well as to the offense of failing to appear for sentencing.  
17 Defendant understands that the Sentencing Guidelines are advisory  
18 only, that defendant cannot have any expectation of receiving a  
19 sentence within the calculated Sentencing Guidelines range, and that  
20 after considering the Sentencing Guidelines and the other § 3553(a)  
21 factors, the Court will be free to exercise its discretion to impose  
22 any sentence it finds appropriate up to the maximum set by statute  
23 for the crimes of conviction.

24 12. Defendant and the USAO agree to the following applicable  
25 Sentencing Guidelines factors:  
26  
27  
28

Bank Fraud Group (§2F1.1)<sup>1</sup>

Base Offense Level:	+6	[U.S.S.G. §2F1.1]
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Specific Offense  
Characteristics:

Loss Amount (More than \$200,000 but less than \$350,000)	+8	[U.S.S.G. §2F1.1 (B) (1) (F)]
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More than minimal planning/multiple victims	+2	[U.S.S.G. §2F1.1 (b) (2)]
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Failure to Appear Group  
(2J1.6/3C1.3)

Base Offense Level:	6	[U.S.S.G. §2J1.6 (a) (2)]
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Specific Offense  
Characteristics:

Underlying offense Statutory maximum 5 years or more	+6	[U.S.S.G. § 2J1.6 (b) (2) (B)]
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18 U.S.C. § 3147 enhancement	+3	[U.S.S.G. § 3C1.3]
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Grouping Guideline

Bank Fraud Group Offense Level:	+16	[U.S.S.G. §3D1.1 (a)]
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Grouping Adjustment	+2	[U.S.S.G. §3D1.4 (a)]
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<sup>1</sup> U.S.S.G. § 2F1.1 was deleted by consolidation with § 2B1.1 effective November 1, 2001. However, because the guideline calculations under U.S.S.G. § 2B1.1 present an ex post facto problem, the parties agree that the guidelines in effect from 1999 used in defendant's plea agreement for the bank fraud case will be used for the bank fraud "group" as part of the guidelines calculations for this case.



1 Defendant and the USAO reserve the right to argue that additional  
2 specific offense characteristics, adjustments, and departures under  
3 the Sentencing Guidelines are appropriate.

4 13. Defendant understands that there is no agreement as to  
5 defendant's criminal history or criminal history category.

6 14. Defendant and the USAO reserve the right to argue for a  
7 sentence outside the sentencing range established by the Sentencing  
8 Guidelines based on the factors set forth in 18 U.S.C. § 3553(a)(1),  
9 (a)(2), (a)(3), (a)(6), and (a)(7).

10 WAIVER OF CONSTITUTIONAL RIGHTS

11 15. Defendant understands that by pleading guilty, defendant  
12 gives up the following rights:

13 a. The right to persist in a plea of not guilty.

14 b. The right to a speedy and public trial by jury.

15 c. The right to be represented by counsel -- and if  
16 necessary have the Court appoint counsel -- at trial. Defendant  
17 understands, however, that, defendant retains the right to be  
18 represented by counsel -- and if necessary have the Court appoint  
19 counsel -- at every other stage of the proceeding.

20 d. The right to be presumed innocent and to have the  
21 burden of proof placed on the government to prove defendant guilty  
22 beyond a reasonable doubt.

23 e. The right to confront and cross-examine witnesses  
24 against defendant.

25 f. The right to testify and to present evidence in  
26 opposition to the charges, including the right to compel the  
27 attendance of witnesses to testify.

1           g. The right not to be compelled to testify, and, if  
2 defendant chose not to testify or present evidence, to have that  
3 choice not be used against defendant.

4           h. Any and all rights to pursue any affirmative defenses,  
5 Fourth Amendment or Fifth Amendment claims, and other pretrial  
6 motions that have been filed or could be filed.

7                           WAIVER OF APPEAL OF CONVICTION

8           16. Defendant understands that, with the exception of an appeal  
9 based on a claim that defendant's guilty plea was involuntary, by  
10 pleading guilty defendant is waiving and giving up any right to  
11 appeal defendant's conviction on the offense to which defendant is  
12 pleading guilty. Defendant understands that this waiver includes,  
13 but is not limited to, arguments that the statute to which defendant  
14 is pleading guilty is unconstitutional, and any and all claims that  
15 the statement of facts provided herein is insufficient to support  
16 defendant's plea of guilty.

17                           LIMITED MUTUAL WAIVER OF APPEAL OF SENTENCE

18           17. Defendant agrees that, provided the Court imposes a total  
19 term of imprisonment on all counts of conviction in both this case  
20 and the related bank fraud case of no more than 33 months, defendant  
21 gives up the right to appeal all of the following: (a) the procedures  
22 and calculations used to determine and impose any portion of the  
23 sentence; (b) the term of imprisonment imposed by the Court; (c) the  
24 fine imposed by the Court, provided it is within the statutory  
25 maximum; (d) to the extent permitted by law, the constitutionality or  
26 legality of defendant's sentence, provided it is within the statutory  
27 maximum; (e) the term of probation or supervised release imposed by  
28 the Court, provided it is within the statutory maximum; and (f) any

1 of the following conditions of probation or supervised release  
2 imposed by the Court: the conditions set forth in Second Amended  
3 General Order 20-04 of this Court; the drug testing conditions  
4 mandated by 18 U.S.C. §§ 3563(a)(5) and 3583(d); and the alcohol and  
5 drug use conditions authorized by 18 U.S.C. § 3563(b)(7).

6 18. The USAO agrees that, provided (a) all portions of the  
7 sentence are at or below the statutory maximum specified above and  
8 (b) the Court imposes a total term of imprisonment on all counts of  
9 conviction in both this case and the related bank fraud case of no  
10 less than 18 months, the USAO gives up its right to appeal any  
11 portion of the sentence.

12 RESULT OF WITHDRAWAL OF GUILTY PLEA

13 19. Defendant agrees that if, after entering a guilty plea  
14 pursuant to this agreement, defendant seeks to withdraw and succeeds  
15 in withdrawing defendant's guilty plea on any basis other than a  
16 claim and finding that entry into this plea agreement was  
17 involuntary, then the USAO will be relieved of all of its obligations  
18 under this agreement.

19 EFFECTIVE DATE OF AGREEMENT

20 20. This agreement is effective upon signature and execution of  
21 all required certifications by defendant, defendant's counsel, and an  
22 Assistant United States Attorney.

23 BREACH OF AGREEMENT

24 21. Defendant agrees that if defendant, at any time after the  
25 signature of this agreement and execution of all required  
26 certifications by defendant, defendant's counsel, and an Assistant  
27 United States Attorney, knowingly violates or fails to perform any of  
28 defendant's obligations under this agreement ("a breach"), the USAO

1 may declare this agreement breached. All of defendant's obligations  
2 are material, a single breach of this agreement is sufficient for the  
3 USAO to declare a breach, and defendant shall not be deemed to have  
4 cured a breach without the express agreement of the USAO in writing.  
5 If the USAO declares this agreement breached, and the Court finds  
6 such a breach to have occurred, then: (a) if defendant has previously  
7 entered a guilty plea pursuant to this agreement, defendant will not  
8 be able to withdraw the guilty plea, and (b) the USAO will be  
9 relieved of all its obligations under this agreement.

10 COURT AND UNITED STATES PROBATION AND PRETRIAL SERVICES

11 OFFICE NOT PARTIES

12 22. Defendant understands that the Court and the United States  
13 Probation and Pretrial Services Office are not parties to this  
14 agreement and need not accept any of the USAO's sentencing  
15 recommendations or the parties' agreements to facts or sentencing  
16 factors.

17 23. Defendant understands that both defendant and the USAO are  
18 free to: (a) supplement the facts by supplying relevant information  
19 to the United States Probation and Pretrial Services Office and the  
20 Court, (b) correct any and all factual misstatements relating to the  
21 Court's Sentencing Guidelines calculations and determination of  
22 sentence, and (c) argue on appeal and collateral review that the  
23 Court's Sentencing Guidelines calculations and the sentence it  
24 chooses to impose are not error, although each party agrees to  
25 maintain its view that the calculations in paragraph 12 are  
26 consistent with the facts of this case. While this paragraph permits  
27 both the USAO and defendant to submit full and complete factual  
28 information to the United States Probation and Pretrial Services

1 Office and the Court, even if that factual information may be viewed  
2 as inconsistent with the facts agreed to in this agreement, this  
3 paragraph does not affect defendant's and the USAO's obligations not  
4 to contest the facts agreed to in this agreement.

5 24. Defendant understands that even if the Court ignores any  
6 sentencing recommendation, finds facts or reaches conclusions  
7 different from those agreed to, and/or imposes any sentence up to the  
8 maximum established by statute, defendant cannot, for that reason,  
9 withdraw defendant's guilty plea, and defendant will remain bound to  
10 fulfill all defendant's obligations under this agreement. Defendant  
11 understands that no one -- not the prosecutor, defendant's attorney,  
12 or the Court -- can make a binding prediction or promise regarding  
13 the sentence defendant will receive, except that it will be within  
14 the statutory maximum.

15 NO ADDITIONAL AGREEMENTS

16 25. Defendant understands that, except as set forth herein,  
17 there are no promises, understandings, or agreements between the USAO  
18 and defendant or defendant's attorney, and that no additional  
19 promise, understanding, or agreement may be entered into unless in a  
20 writing signed by all parties or on the record in court.

21 PLEA AGREEMENT PART OF THE GUILTY PLEA HEARING

22 26. The parties agree that this agreement will be considered  
23 part of the record of defendant's guilty plea hearing as if the  
24  
25  
26  
27  
28

entire agreement had been read into the record of the proceeding.

AGREED AND ACCEPTED

UNITED STATES ATTORNEY'S OFFICE  
FOR THE CENTRAL DISTRICT OF  
CALIFORNIA

STEPHANIE S. CHRISTENSEN  
Acting United States Attorney

  
\_\_\_\_\_  
JENNIFER CHOU

KAREN I. MEYER  
Assistant United States Attorneys

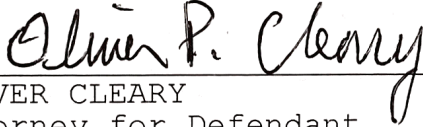
September 27, 2022

Date

  
\_\_\_\_\_  
MOUSTAFA HASSAN CHAHIN  
Defendant

8-19-2022

Date

  
\_\_\_\_\_  
OLIVER CLEARY  
Attorney for Defendant  
MOUSTAFA HASSAN CHAHIN

9-8-2022

Date

CERTIFICATION OF DEFENDANT

I have read this agreement in its entirety. I have had enough time to review and consider this agreement, and I have carefully and thoroughly discussed every part of it with my attorney. I understand the terms of this agreement, and I voluntarily agree to those terms. I have discussed the evidence with my attorney, and my attorney has advised me of my rights, of possible pretrial motions that might be filed, of possible defenses that might be asserted either prior to or at trial, of the sentencing factors set forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines provisions, and of the consequences of entering into this agreement. No promises, inducements, or representations of any kind have been made to me other than those contained in this agreement. No one has threatened or forced me in any way to enter into this agreement. I am satisfied with the representation of my attorney in this matter, and I am pleading guilty because I am guilty of the charge and wish to take advantage of the promises set forth in this agreement, and not for any other reason.

Moustafa Hassan Chahin  
MOUSTAFA HASSAN CHAHIN  
Defendant

9/16 - 2022  
Date

CERTIFICATION OF INTERPRETER

I, Basma Najjar, am fluent in the written and spoken English and Arabic languages. I accurately translated this entire agreement from English into Arabic to defendant MOUSTAFA HASSAN CHAHIN on this date.

  
\_\_\_\_\_  
INTERPRETER

9/9/2022

\_\_\_\_\_  
Date



CERTIFICATION OF DEFENDANT'S ATTORNEY

I am MOUSTAFA HASSAN CHAHIN's attorney. I have carefully and thoroughly discussed every part of this agreement with my client. Further, I have fully advised my client of his rights, of possible pretrial motions that might be filed, of possible defenses that might be asserted either prior to or at trial, of the sentencing factors set forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines provisions, and of the consequences of entering into this agreement. To my knowledge: no promises, inducements, or representations of any kind have been made to my client other than those contained in this agreement; no one has threatened or forced my client in any way to enter into this agreement; my client's decision to enter into this agreement is an informed and voluntary one; and the factual basis set forth in this agreement is sufficient to support my client's entry of a guilty plea pursuant to this agreement.



OLIVER CLEARY  
Attorney for Defendant  
MOUSTAFA HASSAN CHAHIN

9-8-22

Date

## **EXHIBIT A**

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MOUSTAFA HASSAN CHAHIN,

Defendant.

CR No.

I N F O R M A T I O N

[18 U.S.C. §§ 3146(a)(1),  
(b)(1)(A)(ii), 3147: Failure to  
Appear for Sentencing, Felony  
Offense Committed on Release]

The United States Attorney charges:

[18 U.S.C. § 18 U.S.C. §§ 3146(a)(1), (b)(1)(A)(ii), 3147(1)]

On or about February 28, 2000, in Los Angeles County, within the Central District of California, defendant MOUSTAFA HASSAN CHAHIN, having been released pursuant to Chapter 207 of Title 18, United States Code, while awaiting sentencing in United States v. Adel Dardoon, et al., Case No. CR 99-270-JSL, after conviction of a violation of Title 18, United States Code, Section 371, an offense punishable by imprisonment for a term of five years or more, and having been ordered to appear for sentencing before the Honorable J. Spencer Letts, United States District Judge, on February 18, 2000, at 3:00 p.m., at the United States Courthouse in Los Angeles,

//

1 California, knowingly and intentionally failed to appear as required  
2 by the conditions of release before the aforementioned court.

3  
4 E. MARTIN ESTRADA  
5 United States Attorney

6 *Christina Shy for SMG*  
7 SCOTT M. GARRINGER  
8 Assistant United States Attorney  
9 Chief, Criminal Division

10 JOANNA M. CURTIS  
11 Assistant United States Attorney  
12 Chief, Violent & Organized Crime  
13 Section

14 JENNIFER CHOU  
15 KAREN I. MEYER  
16 Assistant United States Attorney  
17 Violent & Organized Crime Section  
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